

EXHIBIT 1

*****THIS IS A COURT-APPROVED NOTICE*****
*****THIS IS NOT AN ADVERTISEMENT FROM A LAWYER*****
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

WILLIAM RUSSELL, Individually and for Others
Similarly Situated,

v.

BWS INSPECTION SERVICES, LLC

Case No. 6:22-CV-00910-ADA-JCM

Collective Action

Jury Trial Demanded

NOTICE OF UNPAID OVERTIME COLLECTIVE ACTION LAWSUIT

TO: All current and former inspectors who worked for or on behalf of BWS Inspection Services, LLC (“BWS”) that were paid a day rate at any time in the past three (3) years (the “Day Rate Workers”).

RE: Collective action lawsuit seeking unpaid overtime, back wages, and other damages.

DEADLINE TO FILE CONSENT FORM: _____, 2023.¹

1. Why Are You Getting This Notice?

You received this Notice because the Court in charge of this lawsuit ordered that this Notice be sent to Inspectors who BWS’s records identified as current or former Inspectors who were paid a day-rate with no overtime compensation.

The Court has allowed or “certified” a collective action lawsuit that may affect you. This notice is intended to advise you of how your rights under the Fair Labor Standards Act (FLSA) may be affected by this lawsuit and describe how to participate in this suit if you want to.

The Court has determined that you should be entitled to make an informed choice about whether to participate in this lawsuit. The Court has determined that you have a right to receive this Notice and to communicate with the attorneys representing the Day-Rate Workers or an attorney of your choosing.

2. What Is This Lawsuit About?

A former Inspector, William Russell, filed this lawsuit on behalf of himself and other current and former Day-Rate Workers who worked for BWS. Mr. Russell alleges BWS paid him and other Day-Rate Workers a day rate and failed to pay them overtime as required by the FLSA. Mr. Russell seeks back wages in the form of unpaid overtime, double damages (liquidated damages), plus attorneys’ fees and costs for himself and all similarly situated Day-Rate Workers.

¹ This date represents 60 days from the date that the Notice and Consent forms are first sent to the Day-Rate Workers by first class mail or email.

BWS denies it paid the Day-Rate Workers incorrectly and believes it properly classified the Day-Rate Workers as exempt under the law.

The Court has not decided who is right, but it has authorized this notice to inform you of your legal rights and ability to join this collective action lawsuit to potentially recover alleged unpaid overtime wages and money damages. Should Mr. Russell prevail in this lawsuit, you may recover damages for unpaid overtime worked during the period _____, 2020 to the present. The relevant time-period for your claim will be calculated based on the date you return a completed Consent to Join Wage Claim form, which is attached to this Notice.

3. Are You Eligible to Join This Lawsuit?

You are eligible to join this lawsuit if:

1. You worked as an Inspector for, or on behalf of, BWS at any time from _____, 2020, to the present; **AND**
2. You received a day rate with no overtime compensation.

4. What are Your Options?

If you want to pursue your unpaid overtime wages, you must read, sign, and return the attached consent form by _____, 2023. You may return your consent form by filling out the attached Notice of Consent form, mailing it to Mr. Russell's attorneys in the enclosed self-addressed stamped envelope, faxing it to 713-352-3300, or emailing it to info@mybackwages.com.

Overtime Lawsuit Against BWS - Russell
Josephson and Dunlap, LLP
11 Greenway Plaza, Suite 3050
Houston, Texas 77046
Telephone: (713) 352-1100
Fax: (713) 352-3300
E-mail: info@mybackwages.com

You may also hire an attorney of your choice.

If you do not wish to be a part of the collective action lawsuit, you do not need to do anything. The decision to join is entirely yours.

5. Effect of Joining or Not Joining the Lawsuit.

If you submit a Consent form, you will join the other Day-Rate Workers who worked for BWS and have already joined the case. If Mr. Russell wins or settles the case, you may receive additional money from BWS in the form of unpaid overtime and liquidated damages. If Mr. Russell loses the case, you will receive nothing, and you will not be responsible for any of the case costs, expenses, or attorneys' fees.

Because the FLSA only allows workers to recover the past three (3) years of back wages, eligible workers who do not join this litigation may lose their rights to recover overtime for work performed in the past for BWS, unless they bring a new, separate case. Therefore, time is of the essence. You should make your decision quickly and return a Consent to Join promptly to pursue your unpaid back wages.

6. BWS Cannot Blackball Against You for Participating in this Lawsuit.

This Court and Federal law prohibit anyone from firing or discriminating against you because you decide to join, or not join, this case. BWS has agreed to abide by the law in this regard.

If you suspect retaliation from BWS for participating in this case, please immediately contact the attorneys listed below.

7. Your Legal Representation If You Join.

If you choose to join this suit and agree to be represented through Mr. Russell's attorneys, your attorneys in this action will be Andrew W. Dunlap of the law firm JOSEPHSON DUNLAP LLP and Richard (Rex) Burch of the law firm BRUCKNER BURCH, PLLC. Their contact information is listed below.

You should not contact BWS to discuss this lawsuit. You should also not talk with BWS's attorneys about the case. Any information provided to BWS or its attorneys can be used against you and the other Day-Rate Workers attempting to recover their unpaid overtime wages.

8. How Can You Receive More Information?

If you have any questions about the lawsuit, your rights, how to participate, how damages are calculated, or the basis on which the attorneys expect to be paid, you may contact them directly at:

Andrew W. Dunlap
JOSEPHSON DUNLAP, LLP
11 Greenway Plaza, Suite 3050
Telephone: 713-352-1100
Facsimile: 713-352-3300
Email: info@mybackwages.com

Richard (Rex) Burch
BRUCKNER BURCH, PLLC
11 Greenway Plaza, Suite 3025
Houston, Texas 77046
Telephone: 713-877-8788
Facsimile: 713-877-8065
Email: frontdesk@brucknerburch.com

You should not contact the Court to discuss this matter.

9. You Have Sixty (60) Days to Join this Lawsuit.

Your determination of whether or not to take action should be made promptly. Because the law only allows a person to recover up to three (3) years of back wages from the date the Consent form is filed, time is of the essence in submitting this form if you wish to have the opportunity to make a full recovery. All Consents must be filed no later than _____, **2023**, which is sixty (60) days after this Notice was mailed to you. A Consent form is enclosed with a self-addressed stamped envelope.

CONSENT TO JOIN WAGE CLAIM AGAINST BWS

Court-imposed deadline for filing is _____, 2023.

Print Name: _____

1. I consent, agree, and opt-in to the lawsuit filed against BWS Inspection Services, LLC titled *Russell v. BWS Inspection Services, LLC*, No. 6:22-CV-0091-ADA-JCM (W.D. Tx.) ("the Lawsuit"), to pursue my claims of unpaid overtime under the Fair Labor Standards Act ("FLSA") during the time that I worked for BWS.
2. I understand that the Lawsuit is brought under the FLSA, and I consent to be bound by the Court's decision.
3. I designate the law firms and attorneys at JOSEPHSON DUNLAP, LLP and BRUCKNER BURCH, PLLC as my attorneys to prosecute my wage claims.
4. I consent to having Plaintiff William Russell and her Counsel make all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, entering into an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this Lawsuit.
5. If needed, I authorize the Plaintiff's lawyers to use this consent to re-file my claim in a separate lawsuit or arbitration.

Signature: _____ Date Signed: _____

Please print or type the following information which will be kept confidential:

Address

City/State/Zip

Home Telephone Number

Cell Phone Number

E-mail Address

Estimated Dates of Work

Position(s) Held with BWS

Location(s) Worked for BWS

RETURN THIS FORM BY MAIL, FAX OR EMAIL TO:

Overtime Lawsuit Against BWS - Russell

Josephson Dunlap, LLP

11 Greenway Plaza, Suite 3050

Houston, Texas 77046

Telephone: (713) 352-1100

Fax: (713) 352-3300

E-mail: info@mybackwages.com

E-MAIL TO PUTATIVE CLASS MEMBERS

Subject: Notice of unpaid overtime collective action lawsuit against BWS

Dear Current or Former BWS Inspectors:

Attached is the Court-authorized Notice regarding a collective action lawsuit against BWS Inspection Services, LLC alleging you were not paid overtime compensation as required by a federal law known as the Fair Labor Standards Act (FLSA). Instead you were paid a day rate with no overtime. You are receiving this message because BWS's records indicate you are eligible to participate in this collective action lawsuit seeking to recover unpaid overtime wages and your rights may be affected by its outcome. The attached Notice explains the steps you need to take if you want to join. You can review and sign the forms to join the case here «hyperlink».

If you have any questions, please feel free to contact me at «phone» or by e-mail at «email».

«Signature Block»

PROPOSED TELEPHONE SCRIPTS FOR UNDELIVERABLE MAIL/EMAIL

LIVE CALLS (BOTH DIRECT AND RETURN CALLS)

Hello, my name is _____ and I work for _____. I am calling to confirm that you received the notice in the mail regarding the unpaid overtime lawsuit against BWS Inspection Services, LLC on behalf of BWS's Inspectors who were paid a day rate. We received information indicating that the notice packet regarding your potential claims affected by the lawsuit against BWS that we sent was returned as undeliverable. Have you received this notice by mail and/or e-mail?

If yes: Thank you, have a good day.

If no: What is the best method for me to send you the notice? (mail/e-mail/fax). This information will only be used to send you a copy of the notice. Thank you, have a good day.

If potential class member asks what the case is about: I cannot discuss the case with you. The notice that will be sent to you will provide information regarding the case. If you have additional questions, the notice explains your options for obtaining additional information.

MESSAGES (VOICEMAIL OR OTHER)

Hello. This message is for «Name of Potential Class Member». My name is _____ and I work for _____. I am calling to confirm that you received the notice in the mail regarding the unpaid overtime lawsuit against BWS Inspection Services, LLC on behalf of BWS's Inspectors who were paid a day rate. We received information indicating that the notice packet regarding your potential claims affected by the lawsuit against BWS that we sent was returned as undeliverable. If you have not received the notice, please call _____ between the hours of _____ to provide the representative with your current contact information so that a notice can be sent to you. Any information you provide will only be used to send you the notice. Thank you and have a good day.